

**REMARKS**

Applicant respectfully requests allowance of the subject application.

Claims 1-27 are cancelled.

Claims 28-33 are pending.

In view of the following remarks, Applicant respectfully requests that the rejections be withdrawn and the application be forwarded along to issuance

## Claim Rejections

Claims 28, 32 and 33 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,791,904 to Herron et al. (hereinafter “Shinohara”). Claims 29-31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Herron in view of U.S. Publication No. 2005/0112936 A9 to Janik et al (hereinafter Janik).

**Herron** is drawn to a method and apparatus to receive selected audio content. The audio playback system includes an audio content server and a device. The audio content server includes audio content to be selected for playback. The device calls the audio content server to request and receive an audio playback of selected audio content at a scheduled time. *See Abstract.* However, in each instance in Herron, control of the device, including selection of the audio content to be played on the device, is performed locally at the device and is not performed remotely. For example, Herron describes the following to select content to be played by the Herron device:

At block 236, the clock-radio device 152 automatically places a new phone call to the audio content server 140, then control passes to block 238. The audio content server 140 is the conduit from which selected audio content is provided to the clock-radio device 152 by an audio content service provider. In one embodiment, the subscriber selects audio content from the audio content server 140 via menu driven interactive voice instructions. For example, upon connecting to audio content server 140, the subscriber listens to a menu of options, such as, update personal information, update billing information, select audio content, set clock-radio settings, among other examples to be described below. Here, the subscriber may choose to update the selected audio content. Then, a choice of audio content is presented for the subscriber to choose from. *See Herron, Col. 3, Line 59 to Col. 4, Line 6.*

The content of Herron, however, is selected by category, which is described in Herron as follows:

At block 236, the clock-radio device 152 automatically places a new phone call to the audio content server 140, then control passes to block 238. The audio content server 140 is the conduit from which selected audio content is provided to the clock-radio device 152 by an audio content service provider. In one embodiment, the subscriber selects audio content from the audio content server 140 via menu driven interactive voice instructions. For example, upon connecting to audio content server 140, the subscriber listens to a menu of options, such as, update personal information, update billing information, select audio content, set clock-radio settings, among other examples to be described below. Here, the subscriber may choose to update the selected audio content. Then, a choice of audio content is presented for the subscriber to choose from. *See Herron, Col. 3, Line 59 to Col. 4, Line 6.*

The audio content categories to be selected may be broad in scope, such as, political news, financial news, entertainment news etc., or may also be narrow in scope, such as, stock news of a specific company, sports news of a specific team, local traffic and weather, etc. In one embodiment, the subscriber provides commute information, such as street names of a commuter route, such that the subscriber may then

1 receive an audio playback of the traffic conditions for that  
2 specific route. *See Herron, Col. 4, Lines 7-15.*

3 Thus, Herron discloses the selection of categories but not particular items.  
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5 **Claim 28** has been amended, and as amended (portions of the amendment  
6 appear in bold/italics below), recites a clock radio comprising:  
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- 8 • an electronic time base to keep time;
- 9 • a display device to display the time;
- 10 • a control panel configured to receive local instructions, including local time  
set instructions and local alarm set instructions;
- 11 • a communication interface configured to receive remote instructions,  
including remote time set instructions, remote alarm set instructions, and a  
remote audio data stream from a network device, *wherein the remote audio  
data stream includes an audio file playlist having a plurality of audio files  
specified by a user through interaction with an interface output by a  
remote computer that is configured to provide instructions to the network  
device to form the audio file playlist*; and
- 12 • a control module configured to set the time, to set an alarm, and to render  
the remote audio data stream in accordance with the local instructions and  
the remote instructions.

13 It is respectfully submitted that Herron does not disclose these aspects.  
14

15 **Claims 29-33** depend either directly or indirectly from Claim 28 and are  
16 allowable as depending from an allowable base claim. Each of the dependent  
17 claims is allowable based on the same rationale discussed with respect to Claim  
18 28. These claims are also allowable for their own recited features which, in  
19 combination with those recited in claim 28, are neither shown nor suggested in the  
20 references of record, either singly or in combination with one another.  
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### **Conclusion**

All of the claims are in condition for allowance. Accordingly, Applicant requests a Notice of Allowability be issued forthwith. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a telephone call for the purpose of scheduling an interview.

Respectfully Submitted,

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